IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3910(S/S)2001
(Old no. 23089 of 1993)

Vinod Kumar Mamgain
S/o Sri Neelanand Mamgain,
R/o village Rithai Post Kandora,
Patti Paidulsuel,
District Pauri, Garhwal. ---- Petitioner

Vs.

1. District Magistrate, Almora.
2. District Supply Officer, Pauri Garhwal,
   District Pauri Garhwal. ---- Respondents.

Ms. Pooja Banga, learned Counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondents,

Hon'ble M.M. Ghildiyal, J.

Heard Ms. Pooja Banga, learned Counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the suspension order dated 13.12.1991 (annexure no.-1),

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to give the entire arrears of salary since the date of the suspension

of the petitioner and to continue to give salary to the petitioner,

iii. Issue a writ, order or direction in the nature of mandamus commanding the respondents not to harass the petitioner,

iv. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

v. Award costs of the petition to the petitioner.

The petitioner, who was working as Assistant Food Grain Inspector (i.e. Supply Inspector) at Kandi-Barhait, Pauri Garhwal has challenged the suspension order dated 13.12.1991 by which he was placed under suspension. Since, no charge sheet was filed for a long time, the petitioner was constrained to file the instant writ petition. The Allahabad High Court on 03.07.1993 passed an order that if no charge sheet has been sent till date, the order of suspension dated 13.12.1991 shall be kept in abeyance. The petitioner will be treated to be in service and will be entitled to salary, as per rules. It is open for the respondents to proceed with the enquiry, after serving of the charge sheet upon the petitioner.

Neither the petitioner nor the respondents are in the position to inform the Court as to whether any charge sheet was ever served upon the petitioner or enquiry was conducted or not? In the circumstances, in case, any charge sheet has been served upon the petitioner and enquiry has been conducted, but no final order is passed till date, the respondents are directed to pass final order within a period of three weeks from the date of production of a certified copy of this order but in case, no

charge sheet has yet been furnished, the suspension order dated 13th December 1991 shall stand quashed automatically.

With these observations, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

May 21, 2007:
NCM: